



April 2, 2013

Via ECF

Hon. Judge Vera M. Scanlon  
United States District Court, Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: Otter Products, LLC v. One Click Enterprises 1, Inc., et al.**  
**1:12-CV-05734-RJD-VMS**

Dear Judge Scanlon:

We represent Plaintiff Otter Products, LLC ("Plaintiff") in the above-referenced matter. In light of this Court's Discovery Order of April 1, 2013, Plaintiff seeks to clarify its allegations regarding indicators on the "Apple iPhone 4 Otterbox Defender Case" it purchased from Defendants One Click Enterprise 1, Inc. and Igor Zomin, Jr. which are not found on an authentic Apple iPhone Defender Case. Through its inspection of the infringing Defender Case purchased from Defendants, Plaintiff confirmed that the case is counterfeit for the following reasons:

1. The date code on the inside of the silicone shell does not show a number parallel to either side of the stem of the arrow. The number, which show the year that the case was produced, should be present in the date code of this particular type of case; and
2. The screen protector on the infringing Defender Case contains a grid pattern of tiny dots, which are not found on an authentic Defender Case

Plaintiff's use of the phrase "wrong materials" in the Declaration of John McKinney dated October 26, 2012, refers to the fact that Plaintiff's authentic Defender Case does not contain the screen of tiny dots found on the infringing case. In response to Defendants' request for clarification, Plaintiff's assertion as to the screen protector was explained in this manner in the supplemental Declaration of John McKinney dated January 30, 2013.

Thank you for your consideration.

Respectfully submitted,  
/Christopher Q. Pham/  
Christopher Q. Pham, Esq.

cc: Edward P. Kelly, Esq., *Counsel for Defendant (via ECF and email)*

**CERTIFICATE OF SERVICE**

A copy of the foregoing was served this 2<sup>nd</sup> day of April, 2013, via ECF, e-mail and first class mail, postage prepaid, upon counsel for Defendants as follows:

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